MOBILE HOME PARKS COMMUNITY MEETING REPORT

Responses to Issues Raised at the September 4, 2003 Council Neighborhoods Committee Meeting

Presented below are the City's responses to various issues and concerns raised at the September 4th Council Neighborhoods Committee meeting for mobile home park residents. If you have further questions about any of the following responses, please contact the responsible Department at the phone numbers noted below. General questions can be directed to Linda Lauzze, the City's Administrative and Neighborhood Services Manager, at (650) 903-6379 or <u>Linda.Lauzze@ci.mtnview.ca.us</u>.

CITY MANAGERS OFFICE – (650) 903-6301

1. Can the City address opening up parcels at Moffett Field for sale to mobile home owners? (Santiago Villa)

There are constraints that limit the City of Mountain View's ability to impact land use and/or development decisions at Moffett Federal Airfield, including any decision to make land available to mobile home owners:

- NASA Ames Research Center is the steward for the Moffett complex site and controls land use and development decisions for the Airfield. The City of Mountain View has no formal control or authority over property that is under the control of the Federal government.
- The process governing the sale or disposition of Federal property administered by the Federal General Services Administration (GSA) is very specific regarding who is eligible and who has priority to acquire/purchase any property that the Federal government has determined it no longer needs. The property would only be made available for public sale (i.e., to mobile home owners), mostly likely by auction, after the property was first offered to and rejected by other Federal agencies, homeless services providers and other governmental agencies, including Indian nations. Given the competitive nature of the property disposal process and the point in the process where mobile home owners can enter the process, it is unlikely that the property would still be available for sale for that purpose.

For additional information regarding Moffett Federal Airfield, contact Deputy City Manager Linda Forsberg at (650) 903-6301.

2. After concerts there is much trash on Space Park Way. Can the City implement faster trash collections on Space Park and other streets in the area? (Santiago Villa)

Clean-up after concerts at Shoreline Amphitheatre is the responsibility of Clear Channel, who own the Amphitheatre. City staff has contacted Clear Channel and

requested that their post-concert maintenance crews clean up any concert trash along Space Park Way.

COMMUNITY SERVICES DEPARTMENT – (650) 903-6331

1. Is there a limit to the height of palm trees before they become a public hazard? (Sahara)

There is no limit to the height of a palm tree before it becomes a public hazard. What if any hazard a tree posed would depend on its overall health and condition. The best way to make an assessment of a trees health is to engage the services of a licensed arborist or tree company.

COMMUNITY DEVELOPMENT DEPARTMENT – (650) 903-6306

1. There are mosquitoes near the Creek behind the mobile home park. Can the City spray for mosquitoes? (Unknown)

The City cannot spray for mosquitoes in the Stevens Creek area behind the park. The Santa Clara County Water District has jurisdiction over that area and should be contacted if mosquitoes are a problems. They can be reached at (408) 265-2607.

- 2. Skunks Abatement (Santiago Villa)
 - What can the City do about skunk abatement? (Santiago Villa)
 - Many tenants have complained about skunks, raccoons, etc. Can the animal services people from Palo Alto "relocate" some of those skunks, etc.? (Santiago Villa)
 - We have skunks running freely through out park. Is there anything the City can do to help? Previous calls for help by individuals have been unsuccessful. (Santiago Villa)

The City does not handle animal control and has no jurisdiction. We are not aware of any public agencies that address the issue of skunks and raccoons in the park. This is a problem similar to other types of pest nuisances that is typically handled privately. We would suggest contacting the park owner to see if they would hire a private exterminator or animal trapping service to trap and remove the skunks and raccoons.

3. Some years ago there was an option to register with the State or the County when buying a preowned mobile home. Is this option still available? (Unknown)

The option to either register with the State Department of Housing and Community Development (HCD) or with the County is no longer available. According to HCD San Jose Office, manufactured homes that are on a permanent, fixed foundation must

be recorded through the county recorder and pay taxes as real property through the county assessor's office. Mobile homes in mobile home parks that are on temporary foundations would register and pay annual registration fees through the State Department of Housing and Community Development.

4. Is the park management required to provide tenants with exact map/layout of individual properties in the park? How do we know the exact perimeter of our property? (Santiago Villa)

The City is not aware of any requirement that management provide an accurate map of the individual spaces in a mobile home park.

5. If park management changes park rules, must they provide copies to everyone in the park? Must they hold a meeting? How do we know what park rules are <u>now</u> if we have lived in the park for many years? (Santiago Villa)

The Mobilehome Residency Law is very specific about how park rules are established and distributed. Section 798.15 requires that a copy of the park rules and copy of the Mobilehome Residency Law must be attached to every space rental agreement. Since most mobile home rental agreements are renewed each year, resident should receive a copy of the park rules each year. If the mobile home park owner wants to make changes to the park rules, Section 798.25 requires that the park owners notify residents and meet with them about these changes. After a six-month waiting, period the rules become effective unless residents agree to implement them sooner.

If a resident is not receiving annual copies of the park rules with their rental agreement or the rules have changed without notification, this would be a violation of the Residency Law. They should contact park management first to ask them to correct the situation. If park management does not respond, they can contact the State Department of Housing and Community Development, Office of the Mobilehome Ombudsman at 1 (800) 952-5275.

6. Have any of the Mountain View mobile home parks questioned incorporation, such as Palo Alto Estates, i.e., residents taking ownership of the park? (Unknown)

The City is not aware of any mobile home parks in Mountain View where residents have taken ownership of the park.

7. I heard at the last meeting that <u>no</u> realtors would try to sell a home in our park. Why is that? (Santiago Villa)

City staff has visited at least four mobile home parks in Mountain View, including Santiago Villa, and found that there were for sale signs showing representation by different realtors, so we do not know what that comment was based on.

8. Children's Play Areas

- The park is not good for family, since children have no place to play. (Sahara)
- Where is the play area for children in the park? When will this area be installed? (Sahara)
- Is there a way to provide greater services in mobile home parks, such as parks for kids to play in? (Santiago Villa)
- There is not a playground area for smaller children. It is unsafe to have children playing in the streets. Can the City contact the proper State agency to address this issue? (Santiago Villa)

Staff could not find any State regulations requiring play areas in existing mobile home parks. This question could be directed to State Office of the Mobilehome Ombudsman for further information, at 1 (800) 952-5275. In some parks, it may be problematic to retrofit them with children's play areas without losing one or more of the mobile homes to make room for a new play area. For parks that have the room, residents could meet with the park owner and encourage them to add play areas. The City's free mediation services could help facilitate this meeting and can be contact at (650) 960-0495.

9. Why haven't repair been made to the asphalt driveways? (Sahara)

Driveways within a mobile home park are private streets and it is the responsibility of the mobile home park owner to maintain those driveways. The City does not repair and/or replace private property driveways or parking lots. The newly formed residents committee at Sahara could discuss this park maintenance issue with the park owner. Free mediation services are also available through Project Sentinel at (650) 960-0495. With some maintenance problems, the State Department of Housing and Community Development, Office of the Mobilehome Ombudsman at 1 (800) 952-5275 may be of assistance.

10. Can someone tell us when the ground lease is expired for the TraveLodge Park? We have difficulty getting this information directly from the park owner. Thank you. (TraveLodge)

The City contacted the mobile home park owner who leases this property and they were unwilling to give us information on the duration of their lease.

11. With no long-term lease, and no permanent foundation for mobile homes, lenders will not finance real estate loans for refinancing or purchase of mobile homes, unless you pay double-digit interest rates. What can the City do to help owners/residents of Mountain View Mobile Homes. (Santiago Villa)

The City does not make private loans for housing, since this is a specialized for-profit business handled by the private marketplace, and the City provides public rather than private services. Lenders base their loan rates on a variety of factors and the City does not have any influence over what private lenders charge as interest rates. There is little that the City can do at this time to secure lower interest rates for mobile home owners.

12. Some of the roofing material and building structure is disintegrating on top of our clubhouse. Can the City come out and inspect our community buildings for safety/earthquake preparedness? (Santiago Villa)

The City does not perform inspections of private property for maintenance defects or to determine if there has been a lack of maintenance, the exception being our Housing Inspection Program. That program is limited to apartment complexes with greater than 3 units on the property. Maintenance of the park common areas, and buildings such as the clubhouse or laundry area, is the responsibility of the park owner. Maintenance of the mobile home is the responsibility of the mobile home owner.

The newly formed residents committee at Santiago Villa could discuss maintenance of the clubhouse with the park owner. Free mediation services are also available through Project Sentinel at (650) 960-0495 to help facilitate an agreement with the owner. With some maintenance problems, the State Department of Housing and Community Development, Office of the Mobilehome Ombudsman at 1 (800) 952-5275 may be of assistance.

13. There is supposedly a Title 25 or State law requiring a certain space (3 feet) around the perimeter of our structures. Yet some of the new homes have been put into lots without this spacing. Can the City research this or have someone inspect the park? (Santiago Villa)

State regulations in Title 25, Article 7, starting at Section 1320, set forth very specific requirements for installing mobile homes in mobile home parks, including foundation strength and size, piers, tie-downs, and utility hook-ups. There are also specific requirements for setbacks. For example, the regulations require 10 feet of space between the sides of each coach in parks constructed after 1961.

New units that are installed require a permit from the state that includes a physical inspection of the installation to ensure compliance with all of the specific regulations. Also, the Mobilehome Parks Act requires a periodic inspection of every park at least once every seven years.

If you think that mobile homes have been installed that do not meet these regulations, you can contact either the Office of the Mobilehome Ombudsman at 1 (800) 952-5275 or the State HCD Office of Codes and Standards at (916) 445-9471. They are experts in this area and if it is a Title 25 code violation, they can take enforcement

action. The City does not have any jurisdiction or enforcement power for the Title 25 regulations in mobile home parks.

14. Senior Parks

- Wasn't the Council concerned to lose a low-cost senior community when this Park became a high-cost family park? (Sahara)
- The Park Rules and Regulations say we are a Senior Park. But without our consent or Rule Changes, they made it into a Family Park. (Sahara)
- Because it is a family park now, there are cars speeding, young people working on their cars in their driveway and talking late at night very loud. (Sahara)
- We need our Senior Park back. (Sahara)
- Why does the City allow the children of Sahara Park to play ball and other recreational activities when the park changes from 35 years and older to any age? (Sahara)

In 1988, the U.S. Congress established a law requiring all rental housing to be open to families with children, which included mobile home parks. There were some exceptions to this requirement. The Mobilehome Residency Law permits mobile home park owners to maintain "senior-only" parks. Section 798.76 specifically allows senior-only parks, as long the park is in compliance with federal fair housing regulations. These regulations are found in the federal Housing for Older Persons regulations (24 C.F.R. Section 100.302 - .304). Under these regulations, in order for a park to be designated exclusively for residents 55 years and older it must be demonstrated that 80 percent of the units are occupied by at least one person over 55. Mobile home parks that cannot meet the federal standards must allow families.

15. Full disclosure should be maintained when purchases of mobile homes are made, a property owner should have permanent full foundation available for each home maintained by the landowner. Is there a code for full foundation for mobile homes? (Santiago Villa)

State law governing the installation of manufactured homes are contained in Health and Safety Code, Division 13, Part 2 and the California Code of Regulations, Title 25. As a result, manufactured home design and construction is directly controlled by the State's Department of Housing and Community Development (HCD). HCD's jurisdiction also includes developing the design, engineering and installation criteria for the construction and placement of mobile homes - coaches. The foundation system for manufacture homes - coaches is under the State's jurisdiction.

A manufacture home does not require a permanent full perimeter foundation system per the State's engineering design criteria. The approved system is based on a

foundation jack system in which metal foundation-support jacks are utilized to support the manufactured homes. This type of system has very specific attachment and design specifications that the installer must follow. These types of systems are designed to meet the appropriate seismic engineering requirements in a similar manner as spread perimeter foundations do for single-family homes. Finally, the City does not have jurisdiction over either the plan checking or installation inspection for these types of foundation systems. Questions or concerns about a foundation system's installation should be directed to HCD at (916) 445-9471.

16. Is it possible to have permanent foundation for manufactured homes in Mountain View? Do they need to be placed in a Mobile Home Park or could it be in any other area of single-family lots? (Santiago Villa)

Construction of a permanent foundation system for a mobile home or manufactured housing is permitted in compliance with Section 18551 of the State of California Health and Safety Code. Manufactured housing and mobile homes with a permanent foundation are considered the same as single-family homes and are permitted by the City's zoning code in all zoning districts that allow for single-family dwellings.

17. Why is the City of Mountain View taking so long to solve the problems of the John Vidovich owned mobile home parks? (Sahara)

The City Council has allocated considerable Council and staff time to address issues at Santiago Villa and Sahara Village Mobile Home Parks. The Council formed a three member Ad Hoc Committee to investigate issues in these parks through confidential meetings with park residents, input from the park owner, and staff research. Based on recommendation of the Ad Hoc Committee, the City Council adopted three mobile home park initiatives: a mobile home park information and resource fair, assistance in forming residents committees at these parks, and an annual meeting with the Council Neighborhoods Committee for mobile home residents. All of these initiatives have been accomplished this past year.

Since concerns at these parks were raised publicly at the August 2001 Council meeting, there have been 16 additional meetings concerning in an effort to resolve the concerns of park residents. City staff has spent over 500 hours on this work. Additionally, the owner of these two parks has rolled back or frozen turn over rents and funded the cost of a Mobile Home Park Information and Resource Fair and a facilitator to assist with formation of residents committees at these parks. Two residents committee have now been formed in these parks and there is a real possibility of additional positive changes in these parks. There has been significant progress made through consistent efforts of the City.

18. Can the City help in mailing expenses for the residence committee for announcements, etc.? We have no funding. Thanks. (Santiago Villa)

The City has a neighborhood grant program that is administered by the Council Neighborhoods Committee. Under the Guidelines for this program, mobile home parks would not be eligible for neighborhood grants. However, the Council Neighborhoods Committee will be considering whether to amend the guidelines to make mobile home parks eligible for neighborhood grants at their October 16, 2003 meeting.

19. Is there a means by which we would be eligible for grant funds to be used for legal purposes? (For the good of the park and to be retained as a park for mobile home owners). (Sahara)

The City does not have any programs for granting funds for private legal advice or lawsuits.

20. What is the zoning for mobile homes and how can it be changed and what length of time for changes? (Sunset Estates)

The zoning for Mobile Homes in Mountain View is R-2M Mobile Home Park. This is a special residential land use category that recognizes the unique characteristics of a group of mobile homes occupying a mobile home park with shared recreational and open space facilities. There are policies in the General Plan about preserving mobile home parks, requiring conversion reports before approving a conversion and lessening the adverse impacts on displaced mobile home residents if a conversion is approved. Generally, these policies discourage rezoning. However, if a rezoning application were received, the process would be:

- 1. City Council must first determine whether there are staff resources available to process the application (under the City's "gatekeeper" ordinance).
- 2. If staff were available, the rezoning process would begin. If not, the application would be processes when staff is available, or the applicant might be offered the option of paying for a contract planner to process the application under the City's supervision.
- 3. The applicant would have to prepare a conversion impact report which address relocation assistance to current mobile home owners.
- 4. The staff would analyze the application, taking into consideration the policies in the General Plan, and prepare a staff report with a recommendation on whether the mobile home park should be rezoned.
- 5. An environmental assessment would be prepared. It would include "mitigation measures," possibly incorporating recommendations from the conversion report.
- 6. The Environmental Planning Commission would hold a public hearing and then make a recommendation to the City Council.

7. The City Council would hold a public hearing and make a decision on the rezoning.

Once the process starts, it would take 9 to 12 months.

21. I am new to the mobile home community. This is my first meeting. How often do we have these meetings? (TraveLodge)

This is the first Council Neighborhoods Committee (CNC) meeting exclusively for mobile home park residents. The Committee holds three neighborhood meeting each year and rotates throughout the community, holding meetings in a neighborhood area every other year. The Council initially directed the CNC to hold an annual mobile home park meeting. The Committee will be considering whether this meeting should be held every other year, like other neighborhood meetings, at their October 16 regular meeting.

22. Why isn't the owner of our mobile home park required to fence the Steven's Creek for safety? (Sahara or Santiago Villa)

Stevens Creek and the immediate areas on either side are owned by the Santa Clara Water District and the mobile home park owner does not have the jurisdiction to build a fence on their property. There are general requirements in the Mobilehome Residency Law that the property owner maintain the park in a safe manner and many parks have perimeter fencing around the property. To determine whether the existing fencing in your park is adequate contact the State Department of Housing and Community Development, Office of the Mobilehome Ombudsman at 1 (800) 952-5275.

23. How come if the City and the UBC codes do not apply that licensed plumbing contractors refuse to do certain jobs such as changing water heaters because there is not easy way to install seismic bracing as stipulated by these codes? (Sunset Estates)

Installation of water heaters and the required seismic bracing are Controlled by HCD as described above. The contact number for more information is (916)445-9471. The Building Inspection Division has handouts that show examples of different types of code approved seismic bracing systems for water heaters. The owner can direct their plumber to the Building Division at(650) 903-6313 to get help in finding a solution for bracing their water heater.

CITY ATTORNEY'S OFFICE – (650) 903-6303

1. The Mountain View City Attorney said it was against the law to discriminate about age, such as a 55+ park, yet Sunset Park, New Frontier, Senior Housing units, the Senior Center, all set age limits, not be mention bars (taverns), cigarettes, etc. Why did he say this to us? (Sahara)

Not all age discrimination is illegal. For example, the courts have found that an adults-only park is not legal; however, a senior park is okay. Therefore, a mobile home park can be a seniors-only park; however, a mobile home park cannot be an adults-only park because of the discrimination against children. The California mobilehome residency law allows for a senior park.

2. Rent Control

- Why is the rent still high? (Sahara)
- Why are the rent spaces going up in price each year? Even when the economy is bad and the interest rates are going lo, but the rent spaces are still there. There should be consideration for the people on fixed income and the disabled. (Unknown)
- Does the City of Mountain View have any rent control for the mobile home park? Recently, the rent is lowered in the City of Mountain View and Sunnyvale at most apartment complexes, why do the rents at the mobile home park keep rising while senior citizens have very limited incomes. Thanks. (Unknown)
- Average mobile home rents in the Bay Area are \$600-\$700. Some include cable TV, garbage, water, etc. in that rent. Is there anyway to lower rents from \$795 for new owners? (Santiago Villa)
- Santiago Villa has the highest rents around. Can the City consider rent control for mobile homes in Mountain View? (Santiago Villa)
- We need rent control. What about rent control? (Unknown)
- There should be a limit to mobile home park space rent. At Sahara, we are unable to sell our home because of the preposterous increase in space rents and other utilities, which other parks do not charge, such as water and sewage. The space rent should not exceed 25% of the apartment rents in the area. (Sahara)
- Many homes in my park have been on sale for many months and have not sold. I believe this is due to the high space rent for new residents (\$795/month). What can we do short of rent control to solve this? Other parks' space rents are far less, i.e., New Frontier and Sunset Estates. (Santiago Villa)
- I understand that Mountain View has subsidized (reasonable) senior apartment units in the works or available. I live in a mobile home park for people over 55. Many, including myself, basically try to live on our social security received each month. Our C.O.L.A. each year is maybe 1%. Our park owner raises our space rent 3% to 4% each year. Our rent is approximately double rents in central California (\$600 verse \$300). It, with the raises, eats up almost one-half of my

social security. Is there anything that can be done to better control or subsidize our rents? (Sunset Estates)

- Past year rents in apartment buildings went down, but ours still went up. Does rent control automatically justify yearly increases or does the market rule? (Sunset Estates)
- Is it really realistic that an owner's total outlay can increase to an amount of 3% per year? There have been increases every year of 3% is there a maximum or minimum? (New Frontier)
- For seniors in mobile home parks that are low income, are there certain provisions for them to pay less rent? (Unknown)
- In spite of the fact that throughout the County, to maintain some level of occupancy landlords have dropped the rents, because rent control allows systematic increases, our rents have again gone up rather than reflect the greater area price trends. Is rent control a surefire guaranty for park owners to keep increasing their revenues, independent of market conditions? (Sunset Estates)

The City of Mountain View does not currently have rent control for mobile home parks. As such, the owner of a park can raise rents even though rents in apartments or single-family houses may be declining. The space rent for new coach owners was recently lowered or frozen for five years through an understanding between the City Council and the owner of the Sahara and Santiago Villa parks. The other parks in the City had not experienced space rents for new buyers as high as these two parks. The understanding between the City and the owner was aimed at providing owners who wanted to sell some period of time within which they would be guaranteed that the rents would not go higher and, therefore, the buyer may have greater comfort in completing the purchase.

Even with a rent control ordinance, there would probably be annual increases in rent. Nearly all rent control mechanisms include an automatic annual adjustment to rent. Typically, these adjustments are some percentage or the full percentage of the Consumer Price Index (CPI) with additional provisions for the landlord to either pass through increases (utilities and capital improvements) and/or the ability of the landlord to make requests for other rent raises. San Jose's rent control ordinance allows up to a 5 percent annual increase in rent and Hayward allow up to a 4 percent increase. These percentages could be higher if park improvements are made and passed on to residents. In Sahara Village and Santiago Villa, the rent increases from 1998 to 2002 ranged from 5 percent to a high of 6.1 percent in 2001-02 (this higher figure includes additional utility fees).

In theory, rents could be subsidized by public agencies and/or by park owners. Often, park owners will come up with a plan to help long-term tenants who are on a fixed income, particularly seniors. If seniors in parks are having a particular problem in

meeting their rent obligation, they should approach park management to see if anything can be worked out to allow some rent relief.

3. Why are all our facilities outdated if the rent is so high? (Sahara)

There is no legal correlation between a landlord's ability to raise the rent and their obligation to update park facilities. This is a civil matter between the residents and the owner and can best be handled by a dialogue between the residents and the owner. State mobilehome residency law does allow for private action by residents as well as by city attorneys and other local officials (Civil Code Section 798.87) if the improvements in a mobile home park are in such disrepair as to amount to a nuisance.

4. Please discuss Civil Code 798.87(A) regarding failure to maintain improvements in mobile home parks in good working order being a nuisance and a prosecutable offense by the District Attorney or City Attorney. (Sahara)

The substantial failure of the management to provide and maintain physical improvements in common facilities in good working order and condition is deemed a public nuisance by this section of the Civil Code. This nuisance may be remedied by a civil action or abatement and may be brought by a park resident, the park management or in the name of the people of California by the district attorney or the city attorney of the jurisdiction in which the park is located.

This section also provides the substantial violation of a mobile home park rule shall be deemed a public nuisance. In order to be actionable by the city attorney or district attorney, the failure of management to maintain common facilities would have to be <u>substantial</u>. That means a lack of paint or poor working condition would probably not suffice; however, if safety and/or property values were compromised, an action might exist (e.g., the swimming pool is not able to be used; the fences around the pool do not prevent children from entering; the streets are in a state of complete disrepair).

5. Our streetlights in our Park are supposed to work. About three years ago an older home across the street from me was taken out and a new home installed. The streetlight was damaged electrically and management will not fix it. Not having the light makes a huge difference in my space. In late fall and winter, it is dark when I get home from work. When the light worked I could see to put my key in the door. Now I can't. My driveway is completely dark. I talked to management about it and even wrote a note about it being a safety issue and did not get any response. I even said I thought my rent should be adjusted because the lights are supposed to work. She had agreed that they were suppose to work. Can they be made to fix the lights? (Santiago Villa)

Yes. A contact has been made to the management with respect to streetlights in Santiago Villa.

6. What can you do about us paying for water? Please help. Thanks. (Sahara)

The City has no jurisdiction in this area. State law permits an owner to charge directly for utilities and any City ordinance to the contrary would be invalid.

7. I have 21 (yes 21) trees on one of my spaces. Italian Cypress across the back and Monterey Cypress on one side. I have spent over \$15,000 in 25 years having them trimmed and 2 removed, by order of the park management. 14-day notices – either I do it or they will do it and put the cost on my rent. The Civil Code says "Park Management is solely responsible for trimming all trees in the park (Section 798.37.5). I recently received another 14-day notice to have trimming done – safety issues, branches hitting neighbors home". I talked to the Manager, Betty Cook, and she said they would chop some down but that they don't trim individual space trees. Can anyone force them to obey the civil code? I don't have any confidence in mediation and I don't think it is a mediation issue. It is the law. (Santiago Villa)

Civil Code Section 798.37.5 provides, with respect to trees on rental spaces in a mobile home park, that park management shall be solely responsible for the trimming, pruning or removal of any tree and the cost thereof, upon written notice by a homeowner or a determination by park management that the tree poses a specific hazard or health and safety violation. I would assume that if a park resident is still being billed, either the park management does not know this Civil Code section or believes that demanding that a homeowner prune a tree when the tree does not "pose[s] a specific hazard or health and safety violation." is somehow a loophole. I read this section to place the complete responsibility for the trimming, pruning and removal of any tree on a rental space on park management.

8. I purchased an older coach ('64) as a temporary residence. I have been told that oftentimes it is difficult to resell because the owner wants to upgrade the park. Consequently, the owners or managers put such constraints on the seller that they just give up and sell to an organization for a paltry sum just to get it sold. Does a person have any legal recourse if he/she finds himself/herself in this predicament? Thank you. (New Frontier)

Article VII of the Mobilehome Residency Law, beginning with Section 798.70, sets forth the park owners' and residents' rights with respect to the sale of mobile homes, which are to remain in the park or be removed. Civil Code Section 798.73.5 sets forth the only repairs or improvements, which may be required to the mobile home, its appurtenances or an accessory structure in the case of a sale or transfer of a mobile home that remains in the park. This section is somewhat self-explanatory and to the extent that it is interpreted differently than your management interprets it, a person would have to secure the services of an attorney of other legal assistance to resolve the issue.

9. The Park Rules and Regulations say we cannot have dogs in the park. The Civil Code says we can. Why do they get by going against the State Law? (Sahara)

Civil Code Section 798.33 provides that no lease agreement entered into, modified or renewed after January 1, 2001 shall prohibit a homeowner from keeping at least one pet within the park, subject to reasonable rules and regulations of the park. This section also provides that homeowners shall not be charged a fee for keeping a pet in the park unless the management actually provides special facilities or services for pets. For the purposes of this section, "pet" means any domesticated bird, cat, dog, aquatic animal kept within an aquarium or other animals agreed to between the management and the homeowner.

Therefore, it is possible that since this law was passed in 2000, you are being subjected to an old park rule, which now needs to be changed. The park owner probably has the authority to prohibit the keeping of a pet if the pet owner does not abide by the park rules relative to pets.

10. Renting Mobile Homes

- My mother lived next door to me and she died. I have been paying two rents for years for several reasons. Mainly because of the plummeting value of homes and feeling entrapped. Our parks rules say we cannot rent. It has come to light that management rents homes. I was told George Whitaker owns 3 homes that he rents in our park. Also individuals are renting rooms in their homes and who knows what else. I have lost thousands of dollars because I could not rent my mother's home. I want restitution. Can anyone help? (Santiago Villa)
- Why does the City of Mountain View allow the owner John Vidovich to break the law, mobile home owners civil code of the State of California, by purchasing older mobile home units and renting them out on a month-to-month basis, when we mobile home owners are not allowed to do the same? (Sahara)
- Why is the owner renting units? Why can't I rent. Please help. Thank you. (Sahara)
- Why can management rent mobile homes but other tenants cannot? (Sahara)

We received a number of questions as to why management can rent mobile homes but other tenants cannot. One question in particular focused on whether or not the park management was violating the rules and regulations since Civil Code Section 798.23 provides that the owner of a park and any person employed by the park shall be subject to and comply with all park rules and regulations to the same extent as residents and their guests.

There is not an easy answer to these questions insofar as this is still a fairly unsettled issue relative to the interpretation of the Civil Code. For example, if there were a park "rule or regulation" which prohibits renting of coaches by residents, it would seem apparent that if the park owner were renting coaches that he or she would be

violating that rule. However, the park owner could unilaterally delete that particular prohibition (on renting a coach) from the park rules and regulations and merely put that restriction in the leases that the management has with each mobile home owner. By putting it in the lease rather than the rules and regulations, the owner would not be violating a rule and regulation of the park. Restrictions on a tenant's right to rent to a third party properly belongs in the lease, not in the rules and regulations.

11. What is the percentage of homes in a mobile home park, which are non-resident owned, which would enable a park owner to convert and close down a park. (Sahara)

There is no percentage of homes, which would allow a mobile home park owner to convert a park; however, a mobile home park owner is allowed by State law to go out of business. If the park owner goes out of business, a park owner still would have to ask for City approval to convert the park to another use.

For a conversion of a park to occur, the park owner would, at a minimum, have to rezone and change the General Plan designation for the property where the park is located. These are legislative acts, which must be approved by both the Mountain View Environmental Planning Commission and by the Mountain View City Council. The Mountain View City Code does regulate applications for change of use of mobile home parks; however, it does not define a change of use to include the purchasing of homes within the park and thus the conversion, at least on a temporary basis, of the home ownership opportunities for those spaces.

12. What can the City do to enforce a landlord to provide full hours for amenities? My hot-tub and billiards room are very limited hours and no longer are fully available for use. (Santiago Villa)

The easiest solution to this is a dialogue between the park residents and the management. In Santiago Villa and Sahara, there are now resident groups, which are supposed to be interacting with park management on issues such as this. There is currently no State law or local ordinance, which would affect the provision of these amenities or the hours of operation.

13. Are you aware that John Vidovich, Sahara Mobile Home Park owner, is in violation of California Civil Code, Mobile Home Residency Law: i.e. violation of codes 798.9, 798.12, 798.23.5(a)(1)(2), 798.23(a)? (Sahara)

The violations cited in this question relate to the answer provided for Question No. 10, above.

14. Management Issues

- Why isn't everybody treated equal? Some get picked on and some don't. Some can do certain things and some can't. Some of us get harassed and when we answer back they say we harassed them. (Sahara)
- Park managers who do not understand human behavior, especially seniors, should not be hired to run the park. At this time, our managers are very intimidating. They scare and bully the seniors. (Sahara)
- What can be done when the manager willfully disregards and tries to intimidate residents when they give him written complaints? (Santiago Villa)
- I have asked the manager to see the file he keeps on me and he has refused. Is there anything that can be done to require management to show me the file? (Santiago Villa)

The Civil Code provides for the furnishing of information by park management to park residents in some limited situations. It is generally seen as the exclusive statutory authority for such exchange of information. For example, Section 798.28 of the Civil Code provides that the management shall disclose in writing the name, business address and business telephone number of the mobile home park owner on the request of any homeowner. Mobile home park residents must be given a copy of the mobilehome park residency law prior to February 1 of each year, and the residency law does include other required notices and disclosures. There is no provision that speaks to the question, namely a file kept on a homeowner. The only way to secure this, then, would be through a civil dispute with the park management where you could gain such a file through the litigation discovery process.

POLICE DEPARTMENT – (650) 903-6350

1. After concerts at Shoreline there are many people wandering through our park (Santiago Villa). Can there be more police patrols after concerts? (Santiago Villa)

Patrons attending concerts at Shoreline Amphitheatre typically use the parking lots located adjacent to the Amphitheatre and north of the mobile home park. However, with some of the sold out concerts there are concertgoers who do occasionally park on the side streets in the area. The Police Department staffs each concert with both regular and reserve officers to maintain order and to help alleviate traffic issues. The number of officers working a concert depends on the artist playing and the number of patrons attending. The Police Department works in partnership with Amphitheatre staff to control both the pedestrian and vehicle traffic in and around the area the venue and will often respond into surrounding areas to address Amphitheatre related issues. The supervisor who liaisons with the Amphitheatre was made aware of this issue and will attempt to provide more patrols in the area as resources allow.

2. I have been told very rudely by the 911 operators not to use this number if it is not an emergency. What and why is the telephone number not responding to a complaint on the weekends? (Sahara)

The number to call for non-emergency Police response is 650-903-6395. 9-1-1 is for emergencies that may result in the immediate loss of property or life threatening situations. Complaints such as problem with animals, loud music, parking problems, etc, should be reported to the non-emergency number. We apologize for any rudeness that was perceived on part of the public, at any one time a dispatcher may be handling several actual emergencies and there maybe times when they have to divert their time and attention to other issues that require immediate attention. If there are specific concerns please feel free to contact the Communications Manager Chip Yarborough at 903-6824.

3. What can we do about people speeding within the park? Other than Armand Street, I think the other streets are considered private. People ignore the 12 mph signs. We have children in the park and I see them doing 35 to 40 mph. (Santiago Villa)

Unfortunately since the streets in your park are considered private the vehicle code does not allow for enforcement action by the police department. The Police Department has on several occasions placed its Mobile Radar Trailer, which advises people of their speed, on Armand Street in an attempt to keep speed down.

The California Vehicle Code (Section 21107.9) does allow cities to adopt an ordinance or resolution that will allow the police to enforce the vehicle code in mobile home parks on private streets. If the mobile home park's management is interested in this possible option they should contact the City's Traffic Engineer to discuss the logistics necessary to make this happen. Park management might also look into the possibilities of installing speed reduction measures such as speed bumps. This along with an educational outreach program targeting the residents of the park and their guests highlighting the speeding issue are a couple of possible solutions to help alleviate the problem.

4. Why doesn't the police force show a patrol presence on a regular basis? (Sahara)

Officers are encouraged to patrol all areas of the city, including mobile home parks. Officers, when not responding to calls for services, typically patrol those areas that have been problematic and where there is a higher probability of issues that require a police presence. The lack of police presence in your area could be a good thing in that it indicates there are no significant problems. Citizens are always encouraged to contact the police department if they have specific concerns that may require police intervention.

5. My mobile home backs up to the border between Mountain View and Sunnyvale. How do I handle noise and other issues with the apartment complex behind me, which is in Sunnyvale. (Sunset Estates)

These issues would have to be addressed by the City of Sunnyvale. The non-emergency phone number for the Sunnyvale Department of Public Safety is (408) 730-7100. Any emergency situation should continue to be handled by calling 911. If the emergency turns out to be in Sunnyvale the appropriate Sunnyvale emergency personnel will be notified.

6. Last Monday, at the peak of the evening commute a very large motor home was stalled in the left turn lane from El Camino to Sylvan. A call to 911 was not answered after 5 minutes. How long does it take to get an answer? (Sunset Estates)

I would need to know if this call was made from a landline phone or a cellular phone. If the call was made from a landline phone, I have no answer for why it would take 5 minutes to respond. Ninety eight percent of our 9-1-1 calls are answered within 4 rings. If the call was made from a cellular phone, it is not uncommon for calls to hold that period of time before they are answered. The California Highway Patrol in Vallejo is responsible for answering those calls and transferring them to our Agency. The City of Mountain View is in the process, as many other Cities are, of implementing the process of receiving these calls directly. This should eliminate any extended hold times such as this. Any citizen can call our seven digit emergency number from their cell phone, that number is 650-903-6922. This number comes directly into our Communications Center.

7. If I use my cell phone in Mountain View for an emergency, 911, will it matter if my cell phone number is a different area code? (Unknown)

No, your cellular phone when making a 9-1-1 call is routed to the nearest cell tower. From that tower, the call is routed to the appropriate answering point for cellular 9-1-1 calls.

8. I have 100,000 rounds of ammunition. What is the code or regulation for storage of such ammo? (Sahara)

The California Administrative Code and the California Fire Code prohibits the storage of more than 750,000 rounds of small arms ammunition in any one building and states no more than 100,000 rounds may be stored in any one pile. Unless the ammunition stored is larger than .75 caliber or involves the storage and use of explosives or black powder, our research has not revealed any regulation that would prohibit the storage of such a quantity of ammunition. We would however, highly recommend that the ammunition be stored in a appropriate magazine and that the fire department be made aware of such items in event they have to respond to the area on a fire or other emergency.

FIRE DEPARTMENT – (650) 903-6365

1. City staff has repeatedly said that they do not have authority as parks are regulated by Federal and State laws. What happens if there is a fire? (Sunset Estates)

This is correct. The Department of Housing and Community Development is responsible for inspecting the common areas in the mobile home park. What happens if there is a fire? The Mountain View Fire Department will respond to put out the fire and protect residents in the park. The Fire Department trains for this and performs "pre-fires" on mobile home parks to ensure that firefighters are prepared in the event of a fire. The company officer will look for unique or problem areas that require them to pre-plan how they would attack a fire. In addition, each piece of fire apparatus carries on-site maps that give firefighters key information, such as hydrant location.

2. The Fire Department used to have a disaster preparedness training program. Is this still available? (Unknown)

Yes. The Department's Office of Emergency Services Coordinator holds classes to help citizens prepare for disasters called Community Emergency Response Team (CERT) training. The classes are free to Mountain View citizens. Information about this program can be found on the City's web site at www.ci.mtnview.ca.us/citydepts/fd/cert.htm. Residents can also call (650) 903-6825 to request information. A brief description of classes has been attached.

3. Does your Department have authority to inspect the 4-prong hydro cable, which extends from the main entrance to our mobile home unit? (Sahara Mobile Home Park)

No.

4. Are Fire Department inspections available? (Unknown)

Yes, upon request.

5. Why have the fire hydrants in Sahara Mobile Home Park not been posted on the clubhouse and why have these hydrants not been flushed in eleven years? (Sahara)

Generally, posting information about the park would be performed by the Association. However, the Fire Department can provide a copy of the on-site map that shows all of the park's hydrant locations (On-site #23). If the Association would like a copy, please call the Department's Senior Analyst at 903-6851. In regard to hydrant flushing, this is performed by a private company. By law, the property owner must ensure that this is done. A visual inspection is performed annually. A flow test and pressure test is performed every five years. The last test was performed on 9-9-02.

6. In mailings from the City about safety during an earthquake, there are never any instructions for mobile home dwellers. I heard that different behavior is required for us then for folks who live in regular homes. I would like to see this information included in the mailings. (New Frontier)

While there are some differences between mobile homes and site-built dwellings, most of the advice and strategies for surviving earthquakes are similar. Anyone living in California, whether in a mobile home or site-built dwelling, should take steps to prepare for earthquakes and other disasters. Some information has been attached. In addition, we encourage all residents to organize their neighborhoods. CERT classes will teach you how to do this.

PUBLIC WORKS DEPARTMENT – (650) 903-6311

1. VTA Route 34 is being dropped. It serves numerous seniors that cannot drive to the Senior Center. What can be done? (Unknown)

The VTA will cut bus and light rail services 3% as opposed to a possible 21% as the result of a court opinion stating they could sell \$80M worth of bonds from the Year-2000 Measure A funds to finance those services. Unfortunately, Route 34 is still impacted by the cuts. The closest alternate bus line is #35, which stops on California at Escuela Avenue. The cuts VTA is implementing are based on the number of passengers using a line; the routes with the lowest ridership will be eliminated or reduced.

2. City staff has repeatedly said that they do not have authority as parks are regulated by Federal and State laws. What happens if there is a plumbing failure? (Sunset Estates)

Plumbing failures within the park are the responsibility of the park owner, since this is private property. Plumbing failures in a mobile home is the responsibility of the mobile home owner. If pubic water or sewer mains on public property leading to the park were damaged, the City would repair the damage.

3. There are three exposed high-tension wires hanging down from a post at the end of Armand Street near Space Park Way. Can the City remove these or have park management do this ASAP? (Santiago Villa)

A City street maintenance crew has observed the problem and determined it to be a PG&E issue. PG&E have been contacted, and they will review and correct the problem as appropriate.

4. Is Shoreline Boulevard and Santiago Villa Mobile Home Park on landfill? (Santiago Villa)

None of North Shoreline Blvd. from El Camino Real to the gate into Shoreline Park is built on landfill. Some portions beyond the gate are built on landfill. The Santiago Villa Mobile Home Park is not built on landfill.

5. There is only one escape route out the front of Sahara Mobile Home Park to El Camino Real in case of a disaster. What can be done? (Sahara)

Sahara Mobile Home Park has limited frontage on El Camino Real. This frontage can accommodate only one driveway access into and out of the Mobile Home Park. There is a driveway connection between the Mobile Home Park and the adjacent shopping center that serves as a secondary access in the event the El Camino Real access is not usable

6. Thank you for putting a park on Sylvan Avenue, but the commute traffic is too fast. What about traffic control? We seniors walk and children play in the park and need protection as crosswalks are not heeded! (Sunset Estates)

Sylvan Avenue is eligible for the Neighborhood Traffic Management Program (NTMP), which facilitates neighbors working together with the City to resolve issues around traffic volumes and speeding on residential streets. To initiate the process, please contact the Traffic Engineer or the Senior Administrative Analyst in the Public Works Department at 903-6311. A brochure describing the process can be sent to you for your use. Should you decide to proceed with the NTMP process, you will need to send the City a petition with a representative number of signatures from area residents stating the nature of your concerns. Staff will then take traffic count and speed data and possibly schedule a neighborhood meeting, depending on whether or not Sylvan Avenue meets the NTMP criteria as described in the brochure.

The Police Department will also be alerted to your concerns and asked to place the radar trailer on Sylvan Avenue. The trailer displays motorist's speeds and usually results in a reduction. The Traffic Sergeant in the Police Department may be contacted at 903-6350 with requests for the radar trailer or to convey other concerns.

7. Is any information available to homeowners on Flood Hazard Zones, for instance maps? (Moorpark)

The Federal Emergency Management Agency (FEMA) prepares maps of special flood hazard areas for communities nationwide. There is a map of flood hazard zones for the City of Mountain View and is referred to as a Flood Insurance Rate Map. The map is available for public review at the City's Public Works Department. Please call the Department's Land Development Section at 903-6311 for information on these maps.

8. Will mobile home parks be receiving the new trash containers in October? And the new recycling containers later this year? Or will they just go to regular homeowners? (New Frontier)

Yes, mobile park residents will receive new garbage and recycling carts in place of the old garbage can or recycling bin. The new garbage carts will be distributed in October and November. The recycling carts will be distributed to you in late January and February 2004.

9. Highway 85/101 Improvements

• Residents are concerned about how Highway 85/101 construction is going to affect our ability to access our park (Santiago Villa). Please provide information and traffic control resources.

Access will be maintained to all homes and businesses in North Bayshore during construction. Construction of the bridge from northbound Route 85 to Shoreline Boulevard is scheduled to begin in November this year and finish in April next year, depending on weather. If there are any roadway closures due to construction, they will occur at night, notices will be posted on the affected roadway segments at least one week prior, and detours will be marked. No roadway closures will occur during Amphitheatre events.

The Valley Transportation Authority (VTA), which is managing the construction project, has been alerted to your concerns and City staff continues to coordinate with them on all aspects of the construction. The VTA website (www.vta.org) has construction updates posted regularly or you may call Brandi Hall at VTA at (408) 952-4297 with specific questions.

• Can you explain the ultimate plan for 85/101 intersection and how it will affect access to our park (Santiago Villa)? Especially before and after concerts.

The plans for Route 85/U.S. 101 include replacing the existing northbound Route 85 to northbound U.S. 101 ramp with three separate ramps: the outermost ramp will exit directly to the east side of Shoreline Boulevard (replacing the existing west side off-ramp), the second ramp will travel from the Route 85 mixed flow lanes to U.S. 101 mixed flow lanes and the third will be a direct connector from commuter lane to commuter lane. The exit ramp to Shoreline will be immediately south of (below) La Avenida, which will become out-only for a short distance between Shoreline and a new City road. The new road will connect La Avenida and Pear Avenue just east of the Computer History Museum to provide ingress to La Avenida properties. Santiago Villa residents can exit from La Avenida but will need to take Pear Avenue to the connector street (to be named Freedom Avenue) to La Avenida or continue to use the Space Park Way entrance/exit without change. No roadwork, including closures, will occur during Amphitheatre events.

10. Intersection of Shoreline Boulevard and Space Park Way.

- It is difficult to turn onto Shoreline before and after concerts (from Space Park Way). Can the City install a traffic light at that intersection (that is only triggered by approaching cars on Space Park Way)? (Santiago Villa)
- Strong consideration should be given to installing a light signal at the corner of Space Park Way and Shoreline Boulevard. We have 358 homes that use this exit and we have to fight traffic to get out. (Santiago Villa)

The City's Traffic Engineering staff will perform a traffic signal study of the Shoreline Boulevard/Space Park Way intersection to determine if it meets the City's criteria for installation of a traffic signal. This study will consider traffic volume (including pedestrians and bicyclists) and accident history. This study will be performed this Fall before the Thanksgiving holiday. You can contact Dennis Belluomini, City Traffic Engineer, or Mike Vroman, Senior Traffic Engineer at (650) 903-6311 to get the results of the study.

11. Is water testing available? (Unknown)

The City tests the potable drinking water system for water quality on a routine basis and reports the results monthly to the Department of Health. The City does not sample water on private property out of public easement or public right-of-way. Water quality testing information is provided annually in an annual report distributed to all residents and businesses in Mountain View.

12. Water Meters

- We pay a water meter fee monthly, over and above the water usage cost. This adds up to a sizable cost each year. Can this fee be eliminated or lowered? (Santiago Villa)
- How can Sahara charge \$3.50 for renting a water meter that we didn't want to begin with? Is anyone going to keep tract of the money collected already? (Sahara)

Sahara Mobile Home Park takes water from the City's water system through a single master water meter that separates the public water system from the Mobile Home Park's internal private water system that feeds all of the mobile home units and private common areas. This master water meter measures the total amount of water consumed by the entire Mobile Home Park. The City generates a single water bill for the master meter and it goes to the owner of the Mobile Home Park.

If you have a water meter for your mobile home unit, this meter is a private meter installed by the Mobile Home Park owner for tracking water consumption by each unit and apportioning the appropriate share of the master water bill to the same unit.

Any fees a resident pays in connection with this private water meter go to the Mobile Home Park owner and <u>not</u> to the City of Mountain View. The City does not have any involvement with or track these transactions between the residents and the Mobile Home Park owner.

13. Presently I am assessed 3 times more than what I paid in San Jose for garbage rates, where I had weekly recycling. Is the City negotiating contracts or is the park management? (Sunset Estates)

The City sets Mountain View garbage rates. The rates may appear higher than other cities because Mountain View bills the account holder every two months, and bills include garbage, water and sewer service charges. Garbage rates are based on the size of the garbage can. For example, a 32-gallon garbage can is \$13.75 per month and a 64-gallon garbage can is \$27.45 per month. The City's garbage rates are among the lowest in the County and include free recycling and On Call Plus clean up appointments. The park management is responsible for billing individual homes and any extra charges are a matter between management and the homeowner. The account holder is usually the park management since there are not individual water and sewer meters for each home.

14. Why can't resident's utility bills be sent directly to their homes? (Unknown)

The City's utility charges (water, sewer, garbage collection) are combined in a single utility bill that goes to the party who has an account with the City for water service. For a Mobile Home Park, water service is provided through a single master water meter under one account issued to the Mobile Home Park owner. Therefore, utility billings go to the Park owner and not directly to each mobile home residence.

15. Are there requirements to have private meters certified to be accurate? (Sunset Estates)

Two primary meters to mobile parks are furnished and maintained by the City. These meters are checked periodically to ensure correct calibration. Meters to individual residents are the property and responsibility of the park owner, not the City. There is no City involvement with or responsibility for individual meters on site.

16. How do we know that the calibration of our meters for gas and electricity are accurate and we are being charged the correct fees? (Sunset Estates)

Gas and electric meters serving Mobile Home Parks are owned and operated by Pacific Gas and Electric Company (PG&E) and PG&E is responsible for the accuracy of their meters. On-site meters may be owned and operated by the Mobile Home Park owner. You could call PG&E customer service at (800) 743-5000 to find out whether they provide a service for testing on-site meters.

17. How is Mr. Vidovich charged for water and sewer: is it a flat fee for each and how much? (To give us some idea if what we are charged is far and reasonable). (Sahara)

Mobile Home Parks are charged for water and sewer based on the amount of water consumed. Water consumption is determined from the master water meter installed on the City's water service at the edge of the Park's property. For more information on utility billings, please call the City Finance Department at (650) 903-6317.

18. Why doesn't the City have a policy regarding how much a landlord can charge over his owns fees for the utilities provided by the City? It would be for the common good that anything in the way of such profits went to the City and not to an individual who gives nothing in return. (Sahara)

The City doesn't have jurisdiction over the imposition of such a policy.

19. What can be done about the sewage problems? (Sahara)

This question is not specific to a particular situation. If this concerns sewage problems within the mobile home park, the park owner is responsible for correcting such problems. If the problem is found in the public right-of-way away from the park property, the City can be contacted at (650) 903-6329 to have City maintenance personnel review the situation and determine the appropriate corrective action.

OTHER COMMENTS AND QUESTIONS

- 1. New coaches are supported on piers or blocks. The tires, wheels, and axels have been removed. The next Loma Prieta Quake is going to shake some of these new units off their supports. I would urge these new unit owners to have some kind of bracing installed to prevent some expensive repairs. (Unknown)
- 2. Move-in costs limit buyer interest. Park owners would like a new generation of coaches, but discourage this by the costs, up front, and space increases. (Unknown)
- 3. A word of appreciation for fast response to emergencies and caring responses by the Fire Department. (Sunset Estates)
- 4. Thank you for having this meeting. I feel that the City people really care about us. (New Frontier)
- 5. Next time please provide a list of the names (with Department and phone number) of the people who are speaking to us. Thanks again. (New Frontier)
- 6. Have a list of all staff members and their phone numbers, so that people can get follow-up answers. (Unknown)